IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition (M/B) No. 203 of 2002

1. Uttaranchal Architects Association (A Society registered under Societies Registration Act, 1860) 43-Mohit Nagar, Dehradun through Shri Y.S.Pundir, S/O Shri T.P.S.Pundir, aged about 30 years, Secretaryu Uttaranchal Architects Association.
2. Shri Kaushal Chadha S/O Late Gian Chand Chadha, aged about 59 years, R/O 29/212 Rajur Road, Anekant Palace, Dehradun, Vice President Uttaranchal Architects Association as well as Dehradun Chapter.
3. Shri Ved P. Mittal, S/O Late Shri I.P.Mittal, aged about 63 years, R/O 40 Tagore Villa, Dehradun, Executive Member, Uttaranchal Architects Association as well as President Dehradun Chapter.

… **Petitioners.**

Versus

1. State of Uttaranchal through its Secretary Housing & Urban Development, Uttaranchal Government, Dehradun.
2. Mussoorie Dehradun Development Authority through its Vice President, 12-Pritam Road, Dehradun.

… **Respondents.**

Sri V.K.Kohli, Sr.Adv., assisted by Sri I.P.Kohli, learned counsel for petitioner.
Sri K.P.Upadhyaya, Learned Standing Counsel for the State-respondent No.1.
Sri Vipul Sharma, Adv., learned counsel for the respondent no.2-MDDA.

With

Writ Petition No. (M/B) 317 of 2002.

1. Uttaranchal Engineers & Draftmen Association, Anjuman 45/1, Khudhuda, Dehradun through its President Shri R.P.Sangal,
2. Rakesh Dhyani, Son of Shri M.R. Dhyani, R/O 19, Prakash Nagar, Idgah, Dehradun.
3. Girdhari Lal Arora, Son of Shri Laxman Das, R/O k7-B, Guru Road, Patel Nagar, Dehradun.

… Petitioners.

Versus

1. State of Uttaranchal through Secretary Housing, Uttaranchal, Dehradun.
2. Mussoorie Dehradun Development Authority through its Vice Chairman.

3. Secretary, Mussoorie Dehradun Development Authority, Dehradun.

… **Respondents.**

Sri Rajendra Dobhal, learned counsel for petitioners.
Sri K.P.Upadhyaya, Learned Standing Counsel for the State-respondent No.1.
Sri Vipul Sharma, Adv., learned counsel for the respondent no.2 & 3-MDDA.

Coram: Hon'ble P.C. Verma, J.
Hon'ble B.S. Verma, J.

Dated August 18, 2006.

Heard learned counsel for the rival parties and perused the entire material on record.

Since the controversy involved in both the writ petitions is similar and the cases are almost at the same footing, both the writ petitions are being decided by this common order.

By means of this writ petition no. 203 of 2002, the petitioners have prayed for issue a writ, order or direction in the nature of mandamus commanding the respondent no.2 not to enforce or implement Chapter-VII under head- Licencing of Technical Personnel of their Development Bye-laws 1985 and also to cancel all the licences issued in this regard. Prayer has also been made to command the respondent no.2 not to allow any person except an architect registered with the Council of Architecture incorporated under Architects Act 1972 to practice as such and also not to insist for taking any licence from them from the registered architect registered with the council of architecture.

In Writ Petition No. 317 of 2002, the petitioners have prayed for direction of this Court in the nature of certiorari calling for the records and quashing the impugned Government Orders dated 14.06.2001, 19-7-2001, 4-10-2001 and 31-5-2002 (Annexure Nos. 6 to 9 respectively) passed by the respondent nos. 1 and 3 respectively. The petitioners have also sought direction in the nature of mandamus

commanding the respondent no. 2 and 3 to approve the map submitted by the petitioners for construction of buildings.

We have perused the material placed on record of both the writ petitions and have considered the submissions made by the learned counsel for the parties.

In view of the Government Order No. 1113/-Vi/-2001-112(Ga)/01 dated Dehradun June 14, 2001 by which the Government has issued directions for effectively implementing the provisions of the Architect Act 1972 in the State and the M.D.D.A. has been directed only to recognize those persons who are registered as architect by the Council of Architecture and in case any person not registered as such has been granted licence, the same be cancelled immediately and directions have also been given for taking action against the unauthorized persons acting without proper registration. This Government Order has come as a result of working of persons not eligible as architect as per norms set out in the Architect Act 1972, which is Central Act. In view of the aforesaid Government Order, persons not eligible as architect and not registered and recognized by the Council of Architecture cannot be assigned architectural work or designing as such, therefore, no grievance of the petitioners survives. The Mussoorie Dehradun Development Authority (M.D.D.A.) is directed to strictly act in accordance with the G.O. dated June 14, 2001. Writ Petition No. 203 of 2002 (M/B) is liable to be disposed of in the above terms and is disposed of with the said observations.

So far as the grievance of the petitioners in Writ Petition No. 317 of 2002 is concerned, it is pertinent to note that the petitioner no.1 is a registered association of Engineers and Drafts men and they are Diploma Holders in Architecture, as stated by the learned counsel for the petitioners and the petitioner nos. 2 and 3 were granted licence in the past by the M.D.D.A. and the Nagar Palika.

In the facts and circumstances and having considered the entire aspect of the case, we provide that lesser work may be given to the petitioners, if they are not otherwise debarred by the provisions of the Architect Act 1972 or the bye-laws of the M.D.D.A. With this observation, the Writ Petition No. 317 of 2002 (M/B) preferred by the Diploma Engineers and Draftmen Association is disposed of accordingly.

Both the writ petitions are hereby disposed of finally. No order as to costs.

(B.S. Verma, J.) **(P.C. Verma, J.)**

RCP